



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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Certified Mail: 7003 1680 0000 6167 5479

July 14, 2008

Mr. Gary Root, Director
Department of Environmental Health
County of Riverside
P.O. Box 7489
Riverside, California 92513-7489

Dear Mr. Root:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and the State Water Resources Control Board conducted a program evaluation of the County of Riverside, Department of Environmental Health, Hazardous Materials Management Division Certified Unified Program Agency (CUPA) on June 18 and 19, 2008. The evaluation was comprised of an in-office program review and field oversight inspections by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that the County of Riverside, Department of Environmental Health, Hazardous Materials Management Division program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to JoAnn Jaschke every 90 days after the evaluation date. The first deficiency progress report is due on September 19, 2008.

Cal/EPA also noted during this evaluation that the County of Riverside, Department of Environmental Health, Hazardous Materials Management Division has worked to bring about a number of local program innovations, including: implementing a pollution prevention program and a voluntary cleanup program. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original Signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc/Sent via email:

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Linda S. Adams
Secretary for
Environmental Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Amended

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: County of Riverside
Department of Environmental Health
Hazardous Materials Division

Evaluation Date: June 18 and 19, 2008

EVALUATION TEAM

Cal/EPA: JoAnn Jaschke
SWRCB: Terry Snyder
OES: Fred Mehr

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. Questions or comments can be directed to JoAnn Jaschke at (916) 323-2204.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	The CUPA has not met the mandated inspection frequency for UST facility compliance inspections during 2 of the last 3 years reported through FY 06/07. Chapter 6.7 HSC Section 25288 (a) [SWRCB]	In FY 06/07, the CUPA completed UST compliance inspections for over 100% of its regulated UST facilities according to Report 6s. The CUPA states that its 07/08 frequency will also be 100%. This deficiency is considered corrected.
2	The CUPA's permit does not include all the required UST specific elements. It is missing monitoring requirements of UST system elements including tanks, sumps, dispensers, and piping. CCR, Title 23, Section 2634 (b), 2641 (g) and 2712 (c) [SWRCB]	By January 1, 2009, the CUPA will issue permits with all the specific monitoring requirements or attach an approved Monitoring Plan. (Please note there is a new Monitoring Plan, Form D in Title 27.)
3	The CUPA does not have a procedure for releasing information which is confidential to an officer or employee of the county or city, the state, or the United States, in connection with the official duties or any physician where the physician certifies in	The CUPA corrected this deficiency by revising an existing policy to address releasing confidential information to government employees or physicians.

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	writing to the administering agency that the information is necessary to the medical treatment of the physician's patient. Chapter 6.95 HSC Section 25511(d) [OES]	
4	The CUPA is exempting carbon dioxide without following the correct process for allowing this exemption. Chapter 6.95 HSC Section 25503.5(c)(4) [OES]	By September 19, 2008, the CUPA shall submit an action plan outlining how the CUPA will correctly exempt or start regulating all carbon dioxide over the threshold limits.
5	The CUPA does not have a process for handling trade secret information correctly. The CUPA should include at a minimum the notification of the handler about the request, in writing by certified mail with return receipt requested. A 30 day wait to allow the handler to file for a declaratory judgment or injunction restricting the release of the information. After the 30 days, no declaratory judgment or injunction was filed, the CUPA must release the requested information to the public. Chapter 6.95 HSC Section 25511(c) [OES]	The CUPA corrected this deficiency by revising an existing policy to address handling trade secret information.

CUPA Representative

Martha Bahia

(Print Name)

Original signed

(Signature)

Evaluation Team Leader

JoAnn Jaschke

(Print Name)

Original signed

(Signature)

Certified Unified Program Agency (CUPA)
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PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** The CUPA obtains consent to conduct inspections, including taking photographs, conducting sampling activities, and reviewing and copying documents; however, consent is not always documented on the inspection reports.

Recommendation: Cal/EPA and the SWRCB recommend the CUPA document consent, including the name and title of the authorized agent granting the consent.

2. **Observation:** During the oversight inspection of Richard Bagdasarian Packing facility on June 17, 2008, an inconsistent but strong odor of ammonia was detected. When the inspector was asked about the smell of ammonia in the engine room, the inspector replied, "Don't all engine rooms smell like ammonia?"

Recommendation: Ammonia Refrigeration Systems are a closed system and should not smell of ammonia, ammonia was leaking from the system. OES recommends additional training on possible hazards and or referrals to the Cal ARP inspector should be considered.

3. **Observation:** During the UST oversight inspection, the CUPA inspector did not ask the service technician to test the UST overfill spill bucket drain valve during the Annual Monitoring Certification.

Recommendation: SWRCB recommends that the CUPA inspectors should have the service technicians test the drain valve before any liquid is put into the tank to ensure it opens and closes.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA implements an effective formal enforcement program. The CUPA has settled over 100 AEOs to date and the Environmental Crimes Unit within the district attorney's office has settled over 70 cases. The CUPA has settled AEOs within all the program elements - generator, disclosure, UST, and CalARP. A two person enforcement panel is utilized within each AEO settlement to ensure the CUPA is being consistent for similar violations. The CUPA has taken formal enforcement against the state and county facilities. Currently, the CUPA settles approximately 10 AEOs every quarter. The CUPA funds the salary and hazardous waste equipment of three District Attorney Investigators that were sent through the Peace Officers Standards and Training (POST) Academy. They along with two Deputy District Attorney's make up the Environmental Crimes Unit within the district attorney's office. The CUPA sponsored one of the district attorneys to attend the 2008 CUPA conference. The Environmental Crimes Unit is active in state-wide cases and head up the Riverside County Environmental Crimes Task Force. Lastly, the CUPA assists their PA, the City of Corona, with enforcement actions. The CUPA's involvement within the Riverside County Environmental Crimes Task Force is outstanding. The task force continues to successfully prosecute individuals and businesses that violate any environmental laws. Approximately, 25 people attend the meetings from local and state government entities to discuss case updates, training, state-wide cases, roundtable discussion, and any follow up needed on open cases.
2. The CUPA implements a Pollution Prevention Program that includes sponsoring pollution prevention workshops, providing regulated facilities with consultation on ways the facility could implement pollution prevention activities, distributing handouts, and covering pollution prevention elements within their new employee training program.
3. The CUPA's coordination with their PAs is commendable. The CUPA meets with their PAs at least quarterly, requires them to annually submit a self audit checklist, and sponsors PA staff to attend the annually CUPA conference. Additionally, the CUPA entered into a Program Improvement Agreement with the City of Banning. The City of Banning hired a new fire inspector position to sufficiently address the items identified in the Program Improvement Agreement. Lastly, the CUPA created auditing documents for use in evaluating the CUPA as well as the PAs.
4. The CUPA has developed an outstanding inspection and enforcement reference binder and a field inspection reference guide. The binder includes a compendium of violations describing the violation, corrective action, and law/regulation citations. The binder also describes how inspectors should proceed for class I and II hazardous waste violations, lays out guidance for both UST double walled and single walled systems. Lastly, this binder includes the statewide guidance documents, Guidance Document for Inspection and Enforcement, Violation Classification, Guidance Document for AEOs, AEO frequently Asked Questions, and the California Environmental Enforcement Statutes Civil and Criminal Statutes. The field guide list violations, including identifying which violations are local ordinance only. In addition, the field guide explains the violation types, covers internal tracking codes, and provides helpful Web sites and telephone numbers. The reference binder and field guide ensure the CUPA is implementing a constituent and coordinated program.

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5. The CUPA has developed an informative Web site providing UPCF and county forms; a fee schedule; an online complaint form; numerous documents and guidelines that provide useful information on a number of hazardous materials issues; and references to the state and environmental codes; and links to federal, state, certification, and local agencies; colleges; and environmental organizations. In addition, the Web site includes a publication called “Quarterly CUPA Connection” that is sent to all the regulated facilities to inform them of the latest information.
6. The CUPA implements a comprehensive training program that includes providing training to their PAs. The training coordinator maintains a matrix of the training requirements for each classification within the CUPA program – Hazardous Materials Management Specialist with Active Emergency Response, Hazardous Materials Management Specialist with Non-Emergency Response, Environmental Health Technician, Supervising Hazardous Materials Management Specialist/Technician, and Clerical/Support Staff as well as a training log for each employee. The CUPA created training lessons for each program element that include exams. The training coordinator also arranges for annual hazardous training classes for staff. The CUPA also created a Jeopardy game that covers the program elements. This is utilized for new and on-going training. In addition, the training coordinator teaches elementary school children about science.
7. The CUPA created program committees within the UST, generator, and disclosure program elements to ensure the CUPA is implementing a coordinated, consolidated, and consistent program. The committees update forms as needed, follow new legislation, attend TAG meetings, stay informed of any changes, and keep the rest of the CUPA staff informed.
8. The CUPA implements an effective voluntary cleanup program. One staff member is dedicated to assisting facilities that want to voluntarily cleanup a facility. Currently, the CUPA has 12 facilities participating in this program. The staff member coordinates the cleanup with other regulatory entities, developed written cleanup protocols, informs the responsible party of the requirements and costs, reviews work plans, reviews sample collection results, and issues closure letters.
9. The CUPA has created a team concept in the Hazardous Materials Management Division. This team concept has accelerated the program into an exceptional program with good morale and aggressive inspectors with great attention to detail.